

### REMARKS

Below, the applicant's comments are preceded by related remarks of the examiner set forth in small bold type.

**Claims 5-16 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 5 and 16 recite the limitation "process the data" in line 3 of the claim. It is unclear whether this recited "data" is the previously recited/defined "received data" or "additional data" set forth in the independent claim(s). Since "the data" is broad enough to encompass both received data and additional data, it is unclear what data, what portions of the data, or whether all of the recited data, is being processed.**

This rejection has been overcome in view of the amendments to claims 1 and 13 respectively.

**Claims 1-18 are rejected under 35 USC §102(b) as being anticipated by Yasrebi (US Patent Number 5,463,625), hereinafter referred to as Yasrebi '625, or alternatively, under 35 USC §102(e) as being anticipated by Yasrebi (US Patent Number 6,141,689), hereinafter referred to as Yasrebi '689.**

**It is noted that Yasrebi '625 fully incorporates by reference Yasrebi '689, and vice-versa. See Yasrebi '625, column 9, lines 63-67, and Yasrebi '689, column 3, lines 18-29. This combination of references will be treated as a single, combined document.**

**Yasrebi disclosed methodology mapping physical and/or logical ports with particular processes and/or threads. See Yasrebi '625, inter alia, column 8, lines 5-12, and Yasrebi '689, figure 2. The control threads as disclosed, inter alia, in Yasrebi '625, Yasrebi '625 in column 8, lines 20 through column 9, line 54, fully meet the scheduler thread, as interpreted using the plain meaning of the words, and further, as interpreted in view of the specification.**

**These claims were fully disclosed by the teachings of Yasrebi as follows:  
(claim 1, 13)**

**1. *assigning with a scheduling thread, one of a plurality of ports to one of a plurality of processes, was taught by Yasrebi '625 in column 8, lines 20 through column 9, line 54, and Yasrebi '689, inter alia, in column***

9, lines 5-10, or column 11, lines 1-9.

2. *one of the processes executing at least one thread, was taught by Yasrebi '625 in column 8, line 30, and Yasrebi '689, inter alia, in column 12, lines 26-30.*

3. *determining that additional data is available from the assigned port, was taught by Yasrebi '689, inter alia, in column 11, Lines 13-16. If the port was not "idle" and/or the port was currently active in a communication, data was determined to be forthcoming.*

4. *awaiting notification by one of the plurality of processes that processing of the additional data has been completed prior to reassigning the port to one of the plurality of processes, was taught by Yasrebi '689 in column 10, lines 24-30. Every port communication was timed between PortOpen and PortClose function calls (i.e., active), and each port was assigned in response to callRPC initiation. Thus, a "session", call, or RPC termination or "sharing" (port sharing, as disclosed by Yasrebi '689 was optional functionality in column 11, lines 26-36) was required prior to reassignment of the port to a thread or process. Without multiplexing (more optional functionality), only one thread may use any particular port, See Yasrebi '689, inter alia, column 10, lines 45-63, and column 12, lines 31-37.*

Yasrebi '625 and '689 do not disclose or suggest "determining that one of the plurality of ports needs service, selecting one of the plurality of processing threads that is available to service the port, assigning the port to one of the processing threads that is available to service the port, ... awaiting notification by the processing thread that processing of the data has been completed prior to unblocking the port and re-assigning the port to one of the plurality of processes," as recited in amended claim 1. Rather, Yasrebi discloses finding a port that is available and binding the port to a remote procedure call so that the RPC can send or receive data through the port. (col. 7:65-67 and col. 8:5-12 of Yasrebi '625 and col. 5:1-48 of Yasrebi '689)

In claim 1, scheduling processing of data received at ports involves determining that a port needs service, selecting a processing thread that is available to service the port, and assigning the port to the processing thread. When a port is assigned to a processing thread, the port is not re-assigned to another processing thread until the processing thread notifies that processing of the data from the port has been completed. By contrast, in Yasrebi, a remote procedure call is initiated first, then an idle port is found and bound to the remote procedure call to allow the remote procedure call to receive input from the port or send output to the port. Thus, claim 1 is patentable.

Claim 13 is patentable for at least the same reasons as claim 1. The remaining dependent

Applicant : Gilbert Wolrich et al.  
Serial No. : 09/476,303  
Filed : December 30, 1999  
Page : 9 of 9

Attorney Docket: 10559-133001 / P7872

port. Thus, claim 1 is patentable.

Claim 13 is patentable for at least the same reasons as claim 1. The remaining dependent claims are patentable for at least the same reasons as the claims on which they depend.

The fact that the applicant has not made other comments does not imply that there are not other good reasons for allowance of the pending claims and additional claims.

Please apply any charges to deposit account 06-1050, referencing attorney docket 10559-133001.

Respectfully submitted,

Date: 5/25/2004

Rex Huang  
Rex Huang\* for  
Denis G. Maloney  
Reg. No. 29,670

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

*\* See attached document certifying that Rex Huang has limited recognition to practice before the U.S. Patent and Trademark Office under 37 CFR § 10.9(b).*